



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 8, 2010

TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM: Richard J. Bruckner
Director

SUBJECT: **COUNTYWIDE BAN OF MEDICAL MARIJUANA DISPENSARIES AND
IMPLEMENTATION OF TITLE I ADMINISTRATIVE FINE PROVISIONS
(RESPONSE TO ITEM NO. 12, NOVEMBER 23, 2010 AGENDA)**

On November 23, 2010, your Board considered and approved a modification to Title 22 (Zoning Code) banning medical marijuana dispensaries (MMDs) within unincorporated Los Angeles County. In addition, the Board directed the Department of Regional Planning (DRP) and County Counsel to proactively implement the Title I Administrative Fines provision of the County Code, and report back by December 14, 2010 on the number of illegally established MMDs operating in the unincorporated County areas, enforcement actions taken against those facilities, and the number of illegally established MMD operators who ceased operations after the County initiated enforcement efforts. This report responds to that motion.

Summary of Illegal MMDs in the Unincorporated County and Previous Enforcement Actions Taken

Since the 2006 adoption of the Conditional Use Permit (CUP) requirement to operate MMDs in unincorporated Los Angeles County, DRP responded and took action against 36 illegally established MMDs in operation or planning to operate. Through quick and expedient administrative enforcement action and civil enforcement lawsuits by DRP and County Counsel, 32 facilities in the unincorporated area were shut down or prevented from establishing without a CUP.

We are aware of four (4) unpermitted MMD facilities that are currently operating. Two of these facilities are the subject of ongoing investigations by law enforcement and civil lawsuits initiated by County Counsel. We inspected the third facility and issued a notice of violation and a notice of administrative fines on December 2, 2010. The notice of administrative fines starts the process that will allow us to accrue fines on a daily basis should the facility continue operations. The fourth facility will be assessed an administrative fine and a notice of noncompliance fee if operations continue.

DRP will continue to work collectively with County Counsel, the District Attorney Investigators, Treasurer Tax Collector and the Sheriff's Department to ensure the remaining facilities are shut down as soon as possible.

The following actions have been taken to ensure speedy enforcement against the MMDs:

- 1) Coordinated interdepartmental inspections with the Sheriff's Department, Treasurer Tax Collector (TTC), and the District Attorney Investigators' Office;
- 2) Coordinated Notices of Violations issued by DRP and TTC in consultation with County Counsel; and
- 3) Immediate referral of MMD cases to County Counsel after the first verified inspection and use of civil enforcement, administrative fines and noncompliance fee procedures to speed compliance.

Implementation of Title I Administrative Fines against MMDs

Pursuant to the Board's directive, DRP met with County Counsel and agreed on a series of procedural changes for immediate implementation of Title I administrative fines. The changes would allow DRP to charge each responsible person, including the property owner, administrative fines of up to \$1000.00 per day when the County finds the MMD is in operation. Since Title I provides the right to request an administrative hearing to contest the imposition of administrative fines, DRP has revised its procedures and developed new notices and forms for an appeal hearing to ensure that due process rights are maintained. Notwithstanding the procedural changes necessary to implement Title I, as of December 2, 2010, we integrated enforcement of the Title I administrative fines provision into the enforcement protocol for MMDs and are issuing notices of administrative fines pursuant to Title I.

DRP understands the Board's concerns and is committed to working closely with County Counsel in enforcing the County Code and using Title I administrative fines and all other available resources to shut down all illegal MMDs in unincorporated Los Angeles County. If you have any questions or become aware of any MMDs operating or proposed to operate in unincorporated areas of the County, please contact me at (213) 974-6401 or Oscar Gomez at (213) 893-0880 or ogomez@planning.lacounty.gov.

RJB:JS:JG:OAG

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel